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TO RUEHC/SECSTATE WASHDC 0445
INFO RHMFIUU/FAA NATIONAL HQ WASHINGTON DC

UNCLAS BOGOTA 003332

SIPDIS
SLUG FOR EEB/TRA/OTP AND AGC-330

E.O. 12958: N/A

TAGS: FAIR CO

SUBJECT: CIVAIR: RESULT OF REQUEST FOR INVESTIGATION OF FAA VIOLATION
(EDUARDO ANDRES LUNA BELTRAN)

REF: STATE 081543

¶1. Summary. Per reftel, ECONOFF delivered a Federal Aviation Administration (FAA) request for investigation on August 26 to Aeronautica Civil (AeroCivil), Colombia's civil aviation authority, regarding an FAA violation committed by Colombian national Eduardo Andres Luna Beltran. Mr. Luna violated Federal Aviation Regulations under Section 91.531 (c) for operating a turbojet-powered multi-engine airplane as a crewmember without the qualifications prescribed in Title 14 CFR 61.55. AeroCivil's Secretary of Air Security responded on October 13 with the following documents: Mr. Luna's report of the incident, an interview between an AeroCivil attorney and Mr. Luna, and AeroCivil's decision not to sanction infractions nor pursue a formal investigation because the incident occurred in U.S. airspace. End Summary.

¶2. On Oct 19, the Embassy received a response from AeroCivil's office of the Secretary of Air Security, dated October 13. The response included Mr. Luna's report of the incident along with training certificates, training records, and communications from the FAA, which he submitted to the Investigative and Technical Sanctions Group of AeroCivil. The response also included a summary of an interview between AeroCivil attorney Ruth Diaz Castillo and Mr. Luna on September 25, in which he noted the infraction was not deliberate and he was not properly informed by the aircraft owner of the requirement to hold an FAA pilot license for the type of aircraft he copiloted. (Note: The FAA report indicated that it was reasonable to assume Mr. Luna was aware of this requirement; he had registered to obtain an FAA license and was on his way to attend training for a rating in the BAE-125-800A aircraft. End Note.)

¶3. During the interview with AeroCivil, Mr. Luna stated he cooperated with FAA officials and followed their advice to co-validate his Colombian license and pass an FAA Instrument Rating exam. He took a course on the Hawker equipment at Simcom Training Center in Orlando, Florida. He also stated he never received a letter of investigation from FAA (dated June 12) and therefore did not have a chance to explain his version of the incident.

¶4. The Colombian authorities have no plans to pursue a formal investigation regarding this incident. AeroCivil concluded on October 6 that since the incident occurred in U.S. airspace, the FAA is responsible for evaluating Mr. Luna's documentation and proceeding as it deems necessary.

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